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REMARKS

In response to the Office Action mailed on July 19, 2005, Applicants respectfully requests reconsideration. Claims 1-34 were pending in this Application. Claims 1, 12, 16, 27, 31, 32, 33 and 34 are independent claims and the remaining claims are dependent claims. Claims 1, 9, 10, 12, 16, 24, 25, 27 and 31-34 have been amended. Claims 8 and 23 have been cancelled. Claims 35-38 have been added. A version of the claims is included hereinabove. Claims 1-7, 9-22, and 24-38 are now pending in this application. Applicants believe that the claims as presented are in condition for allowance. A notice to this affect is respectfully requested.

Rejections under 35 U.S.C. §102 and §103

Claims 1-4, 7-9, 14-19, 22-24, 27 and 29-34 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. US2003/0039248A1 to Weaver (hereinafter Weaver). Weaver discloses a system and method for the consolidation of data packets.

Claim 1 has been amended to include the limitations of claim 8, namely generating a pooled packet index for the pooled packet, the pooled packet index indicating a location within the pooled packet of each of the at least two packets, and wherein the step of transmitting the pooled packet to the common location in the computer network includes transmitting the pooled packet index to the common location in the computer network.

The Examiner stated that Weaver teaches this limitation at paragraph 22, however Applicants respectfully disagree with the Examiner's statement. A review of paragraph 22 reveals that a consolidated packet contains two or more IP packets arranged end-to-end. The header of the first packet includes a field giving the length for the individual packet. The value of this field is compared with actual length of the packet and the two values are compared, thereby

determining, if the values match, that the packet is not a consolidated packet, and, if they are different, that this packet is a consolidated packet.

In contrast to Weaver, claim 1 has been amended to include the limitations of claim 8, and now recites generating a pooled packet index for the pooled packet, the pooled packet index indicating a location within the pooled packet of each of the at least two packets, and wherein the step of transmitting the pooled packet to the common location in the computer network includes transmitting the pooled packet index to the common location in the computer network. A pooled packet index is generated which indicates where within the packet the packets are located, not whether the packet is a pooled packet or not. Further, the pooled packet index is then transferred to the location that the packet is transferred to. Thus, amended claim 1 provides a pooled packet index indicating where the packets are located within the pooled packet, whereas Weaver merely indicates whether the packet is a consolidated packet or not and is silent regarding indicating where within the consolidated packet the packets are located.

Therefore, for the reasons stated above, amended claim 1 is believed allowable over Weaver. Claims 12, 16, 27 and 31-34 have been amended to also recite a pooled packet index similar to claim 1 and are believed allowable for the same reasons as amended claim 1. Claims 2-4, 6-7, 9, 12, 14-15, 17-19, 22, 24, and 29-30 depend from claims 1, 12, 16 or 27 and are believed allowable as they depend from a base claim which is believed allowable. Claims 8 and 23 have been cancelled. Accordingly, the rejection of claims 1-4, 7-9, 14-19, 22-24, 27 and 29-34 under 35 U.S.C. §102(e) as being anticipated by Weaver is believed to have been overcome.

Claims 5 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Weaver in view of U.S. Patent No. 5,754,768 to Brech et al. (hereinafter Brech). Claims 5 and 20 depend from claims 1 or 16 and are believed allowable as they depend from a base claim which is believed

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allowable. Accordingly, the rejection of claims 5 and 20 under 35 U.S.C. §103(a) is believed to have been overcome.

Claims 6 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Weaver in view of U.S. Patent No. 6,298,070 to Carlson et al. (hereinafter Carlson). Claims 6 and 21 depend from claims 1 or 16 and are believed allowable as they depend from a base claim which is believed allowable. Accordingly, the rejection of claims 5 and 20 under 35 U.S.C. §103(a) is believed to have been overcome.

Claims 10, 13, 25 and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Weaver in view of U.S. Patent Publication No. US2003/0046429A1 to Sonksen (hereinafter Sonksen). Claims 10, 13, 25 and 28 depend from claims 1, 12, 16 or 28 and are believed allowable as they depend from a base claim which is believed allowable. Accordingly, the rejection of claims 10, 13, 25 and 28 under 35 U.S.C. §103(a) is believed to have been overcome.

Claims 11 and 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Weaver in view of U.S. Patent Publication No. US2002/0042837A1 to Ebata et al. (hereinafter Ebata). Claims 11 and 26 depend from claims 1 or 16 and are believed allowable as they depend from a base claim which is believed allowable. Accordingly, the rejection of claims 11 and 26 under 35 U.S.C. §103(a) is believed to have been overcome.

Claims 35-38 have been added. Support for claims 35-38 can be found at page 23, line 25 through page 24, line 9. Applicants submit that no new matter has been added.

The prior art made of record is not believed to disclose or suggest the present invention.

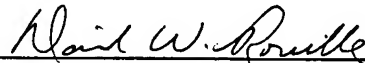
In view of the above, the Examiner's objections and rejections are believed to have been overcome, placing claims 1-7, 9-22 and 24-38 in condition for allowance, and reconsideration and allowance thereof is respectfully requested.

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If the U.S. Patent and Trademark Office deems a fee necessary, this fee may be charged to the account of the undersigned, Deposit Account No. 50-0901.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 366-9600, in Westborough, Massachusetts.

Respectfully submitted,



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